

1 KEVIN V. RYAN (CSBN 118321)
United States Attorney
2
3 MARK L. KROTOSKI (CSBN 138549)
Chief, Criminal Division
4 PETER B. AXELROD (CSBN 190843)
LAUREL BEELER (CSBN 187656)
5 Assistant United States Attorneys

6 450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
7 Telephone: (415) 436-6774
Facsimile: (415) 436-7234
8

9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,)	No. CR 05-0395 CRB
)	
15 Plaintiff,)	<u>REQUEST, STIPULATION AND ORDER</u>
)	
16 v.)	
)	
17 CHANG SOO YOUN,)	
)	
18 Defendant.)	
)	

19
20 This matter is currently on the Court's calendar for August 30, 2006. Through counsel,
21 defendant Chang Soo Youn and the United States ask the Court to (a) vacate the August 30, 2006
22 date based on the defendant's anticipated change-of-plea; (b) set a date of September 27, 2006,
23 for the change-of-plea; and (c) exclude time under the Speedy Trial Act, 18 U.S.C. § 3161 from
24 August 30, 2006, to September 27, 2006.

25 1. The parties have an agreement in principle and are finalizing the language of the plea
26 agreement. The parties require additional time to complete that process.

27 2. The parties agree that the time between August 30, 2006 and September 27, 2006
28 should be excluded from the Speedy Trial clock. Previously, the Court has declared this case

complex. See 18 U.S.C. § 3161(h)(8)(B)(ii). Defense counsel needs time to review the materials with the defendant, and counsel for the government is out of district and thus unavailable for the first two weeks in September. These matters need a short amount of time to be resolved, and thus the parties agree that a continuance is necessary for the effective preparation of defense counsel, taking into account the exercise of due diligence, and based on continuity of counsel. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the ends of justice served by excluding the period from August 30, 2006 to September 27, 2006 outweigh the interest of the public and the defendant in a Speedy Trial. See id. § 3161(h)(8)(A).

STIPULATED:

<u>August 29, 2006</u> DATE	<u>/S/ PETER B. AXELROD</u> PETER B. AXELROD LAUREL BEELER Assistant United States Attorneys
--------------------------------	---

<u>August 29, 2006</u> DATE	<u>/S/ BRIAN BERSON</u> BRIAN BERSON Attorney for Chang Soo Youn
--------------------------------	--

ORDER

For good cause shown, and for the reasons stated above, the Court (a) vacates the August 30, 2006, hearing date for defendant Chang Soo Youn based on the anticipated plea agreement, (b) sets the matter for change-of-plea on September 27, 2006, at 2:15 p.m., and (c) excludes times under the Speedy Trial Act, 18 U.S.C. § 3161, from August 30, 2006, to September 27, 2006. The Court finds that the failure to grant the requested exclusion would deny defense counsel reasonable time necessary for effective preparation taking into account the exercise of due diligence and continuity of counsel. Further, the Court finds the exclusion warranted on complexity grounds, under 18 U.S.C. § 3161(h)(8)(B)(ii). Thus, the Court finds that the ends of justice served by granting the requested exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The Court therefore

1 concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A),
2 (h)(8)(B)(ii) and (h)(8)(B)(iv).

3 IT IS SO ORDERED.

4
5 DATED: August 29, 2006

